

No. 9/5/84-6Lab/3857.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Saraswati Ceramics and Refractories Pvt. Ltd., Plot No. 105, Sector 25, Ballabgarh.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 345, 333 and 343 of 1980

between

SHRI DAROGA BHAGAT, RAM ABHILEKH AND HIRA LAL, WORKMEN AND
THE RESPONDENT MANAGEMENT OF M/S SARASWATI CERAMICS AND
REFRATORIES PVT. LTD., PLOT NO. 105, SECTOR 25, BALLABGARH

Present—

Shri Sunhari Lal, for the workmen.
None, for the management.

AWARD

This reference has been received back on the remand from the Hon'ble High Court with the following observations: —

“The case is remanded to the Tribunal for fresh determination of the matter relating to the entitlement of the workmen to back wages on reinstatement, after affording due opportunity both to the management and the workmen to adduce evidence and to be heard with regard thereto.”

Notice was issued to the respondent management. The respondent refused the service for the 20th September, 1984. Hence summons were sent through registered cover which were also received unserved with the report that there is no responsible person available in the factory. So service was effected by affixation on the notice of the factory for 12th November, 1984. On 12th November, 1984 the respondent was proceeded *ex parte* as none appeared for the management after service through affixation of notice on the gate of the factory.

The workmen do not want to give evidence on the issue of back wages. The workmen have already stated that they are unemployed. There is no reason to disbelieve the un rebutted evidence of the workmen. I, therefore, find that workmen are entitled to back wages on reinstatement. This part of the award is therefore, given accordingly.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

Dated the 19th November, 1984.

Endst. No. 2801, dated the 29th November, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

No. 9/5/84-6Lab/8858.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Saraswati Ceramics and Refractories Pvt. Ltd., Sector 25, Ballabgarh.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 340, 332, 334, 336, 339 of 1980

between

SHRI KAMAL SINGH, BHULLAR, TIRLOKI NATH, RAM LAKHAN, RAM SUNDER
WORKMEN AND THE RESPONDENT MANAGEMENT OF M/S. SARASWATI
CERAMICS AND REFRATORIES PVT. LTD., SECTOR 25,
BALLABGARH

Present—

Shri Sunehari Lal, for the workmen.
None, for the respondent management.

AWARD

This reference has been received back on the remand from the Hon'ble High Court with the following observations :—

“The case is remanded to the Tribunal for fresh determination of the matter relating to the entitlement of the workmen to back wages on reinstatement, after affording due opportunity both to the management and the workmen to adduce evidence and to be heard with regard thereto.”

Notice was issued to the respondent management. The respondent refused the service for 20th September, 1984. Hence summons were sent through registered cover which were also received unserved with the report that there is no responsible person available in the factory. So service was affected by affixation of notice on the factory gate for 12th November, 1984. On 12th November, 1984, the respondent was proceeded *ex parte* as none appeared for the management after service through affixation of notice on the gate of the factory.

The workmen do not want to give evidence on the issue of back wages. The workmen have already stated that they are unemployed. There is no reason to disbelieve the un rebutted evidence of the workmen. I, therefore, find that the workmen are entitled to back wages on reinstatement. This part of the award is, therefore, given accordingly.

Dated, the 19th November, 1984.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 2802, dated 29th November, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/8859.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Saraswati Ceramics and Refractories Pvt. Ltd., Plot No. 105, Sector 25, Ballabgarh.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 335/80, 337/80, 338/80, 342/80, 341/80, 344/80

between

SARVSHRI RAM KISHORE, RAJA RAM, BALJORE, KESHAV, KALAP NATH AND
RAM NIHORE, WORKMEN AND THE RESPONDENT MANAGEMENT OF
M/S SARASWATI CERAMICS AND REFRACTORIES PRIVATE LIMITED,
PLOT NO. 105, SECTOR 25, BALLABGARH

Present—

Shri Sunehari Lal, for the workmen.

None for the respondent management.

AWARD

This reference has been received back on the remand from the Hon'ble High Court with the following observations.—

“The case is remanded to the Tribunal for fresh determination of the matter relating to the entitlement of the workmen to back wages on reinstatement, after affording due opportunity both to the management and the workmen to adduce evidence and to be heard with regard thereto.”

Notice was issued to the respondent management. The respondent refused the service for 20th September, 1984. Hence summons were sent through registered cover which were also received unserved with the report that there is no responsible person available in the factory. So service was effected by affixation of notice on the factory gate for 12th November, 1984. On 12th November, 1984, the respondent was proceeded *ex parte* as none appeared for the management after service though affixation of notice on the gate of the factory.

The workmen do not want to give evidence on the issue of back wages. The workmen have already stated that they are unemployed. There is no reason to disbelieve the unrebutted evidence of the workmen. I, therefore, find that the workmen are entitled to back wages on reinstatement. This part of the award is, therefore, given accordingly.

Dated the 19th November, 1984.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.

Endorsement No. 2803, dated the 29th November, 1984.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.

No. 9/5/84-6 Lab/8860.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Precision Steel and Engineers, 14/4, Mathura Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR
COURT, FARIDABAD

Reference No. 120 of 1983

between

SHRI RANJIT SINGH, WORKMAN AND THE RESPONDENT MANAGEMENT
OF M/S PRECISION STEEL AND ENGINEERS, 14/4, MATHURA ROAD,
FARIDABAD

Present —

None for the workman.

Shri Satish Ahuja, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/19-83/13079-84, dated 18th March, 1983, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute existing between Shri Ranjit Singh, workman and the respondent management of M/s Precision Steel and Engineers, 14/4, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Ranjit Singh was justified and in order? If not, to what relief is he entitled?

According to the averments of the claim statement he was employed on 17th October, 1980 and he was not allowed to work in the factory on 15th October, 1982. He stated that his services were illegally terminated. The management has filed the written statement alleging that the workman has left the services of his own on 1st August, 1982 and has received his dues and has taken service in M/s Super Steels, Faridabad.

The reference was contested on the following issues :—

1. Whether the workman left his job and received all his dues with effect from 1st August, 1982 ?
2. As per reference ?

Both the issues are inter-connected and decided together :—

Issue I and II :

The management witness MW-1 has that the workman left coming to the respondent since 16th July, 1982. The workman has taken his pay up to 15th July, 1982, by receipt Ex. M-1. He has told him that he has taken service with M/s Super Steel, Faridabad. MW-2 Shri O. P. Bhardwaj, Security Officer of the respondent, has stated that he was security officer in M/s Super Steel from July, 1982 to July, 1983 and the claimant has worked in that factory from 16th July, to three months. MW-3 is Shri Jai Singh, Time Office incharge of M/S Super Steel, Faridabad. He has stated that the claimant worked in their factory from 4th August 1982. There is no rebuttal of this evidence. The workman never appeared. Hence his evidence was closed on 13th November, 1984. I had perused the entire evidence of the management that the workman has stopped coming to the factory of his own, because he had employed with M/s Super Steel, Faridabad. I, therefore, give the award that the workman had left his services of his own. No dispute is pending between the parties. The award is given accordingly.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Dated the 15th November, 1984

Endst. No. 2804, dated the 29th November, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6 Lab/8861.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s O. K. Metal Works, Patodi Road, Gurgaon.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 252 of 1984

between

SHRI SIYA RAM, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S O. K. METAL
WORKS, PATODI ROAD, GURGAON

Present—

Shri Dharam Vir, for the workman.

Shri S. K. Goswami, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/86-84/28349-54, dated 6th August, 1984, under section 10(i) (c) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute existing between Shri Siya Ram, workman and the respondent management of M/s O. K. Metal Works, Patodi Road, Gurgaon. The term of the reference was :—

Whether the termination of service of Shri Siya Ram was justified and in order ? If not, to what relief is he entitled ?

The representative of the workman plead no instructions. No claim statement has been filed. In these circumstances, I feel that the workman is not interested in the reference. Hence the award is given that no dispute is pending between the parties.

Dated, the 23rd November, 1984.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 2805, dated 29th November, 1984.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-6Lab/8862.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Flowel, Gurgaon :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 317 of 1984

between

SHRI NITYA CHAND, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S FLOWEL,
GURGAON

Present : —

Workman along with Shri Shardha Nand.

None for the respondent-management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/94-84/32378—83, dated 29th August, 1984, under section 10 (i) (c) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute existing between Shri Nitya Chand, workman and the respondent-management of M/s. Flowel, Gurgaon. The term of the reference was :—

Whether the termination of service of Shri Nitya Chand was justified and in order? If not, to what relief is he entitled ?

According to the claim statement the claimant was appointed on 1st March, 1983 as helper. His services were terminated on 29th May, 1984. He was not paid any retrenchment compensation according to law. The management did not appear in spite of service. Hence, the management was proceeded *ex parte* on 18th October, 1984.

In *ex parte* evidence the workman has appeared himself and supported his averments. There is no reason to disbelieve the un rebutted evidence of the workman. I therefore, find that the workman had completed more than one year of service and he was not given any compensation as required under section 25-F of the Industrial Disputes Act, before his termination. I, therefore, give the award that the services of workman were illegally terminated. So he is entitled to reinstatement with continuity of service and with full back wages.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Dated, the 23rd November, 1984.

Endorsement No. 2806, dated the 29th November, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.